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11 Attorneys for Specially-Appearing Defendant OLD REPUBLIC
12 TITLE INSURANCE GROUP, INC. and Defendants
13 OLD REPUBLIC NATIONAL TITLE INSURANCE
14 COMPANY and OLD REPUBLIC TITLE COMPANY OF
15 NEVADA

16 **UNITED STATES DISTRICT COURT**
17 **DISTRICT OF NEVADA**

18 DEUTSCHE BANK NATIONAL TRUST
19 COMPANY, AS TRUSTEE FOR MORGAN
20 STANLEY DEAN WITTER CAPITAL I
21 INC. TRUST 2003-NC2, MORTGAGE
22 PASS-THROUGH CERTIFICATES, SERIES
23 2003-NC2,

24 Plaintiff,

25 vs.

26 OLD REPUBLIC TITLE INSURANCE
27 GROUP, INC., OLD REPUBLIC
28 NATIONAL TITLE INSURANCE
COMPANY; OLD REPUBLIC TITLE
COMPANY OF NEVADA; DOE
INDIVIDUALS I through X; and ROE
CORPORATIONS XI through XX, inclusive,

Defendants.

Case No.: 2:21-cv-01466-GMN-DJA

**STIPULATION TO STAY CASE
PENDING *WELLS FARGO II* APPEAL**



1 Plaintiff Deutsche Bank National Trust Company, as Trustee for Morgan Stanley Dean
 2 Witter Capital I Inc. Trust 2003-NC2, Mortgage Pass-Through Certificates, Series 2003-NC2
 3 (“Deutsche Bank”) and defendants Old Republic National Title Insurance Company and Old
 4 Republic Title Company of Nevada and Specially-Appearing Defendant Old Republic Title
 5 Insurance Group, Inc. (“Defendants,” and with Deutsche Bank, the “Parties”), by and through
 6 their undersigned counsel, stipulate and agree as follows, subject to the approval of the District
 7 Court:

8 **WHEREAS**, this is one of several title insurance coverage disputes pending in this district
 9 following an HOA foreclosure sale. The case was originally filed in Nevada state court. ECF No.
 10 1. Defendant Old Republic National Title Company (“Old Republic”) removed based on diversity
 11 jurisdiction. *Id.* Plaintiff filed a motion to remand this matter to the Eighth Judicial District Court
 12 and a motion for fees (ECF Nos. 10-11). Old Republic filed its response to Plaintiff’s motion to
 13 remand (ECF No. 14). Plaintiff filed its reply in support of the motion to remand (ECF No. 16).
 14 Defendants’ time to file responsive pleadings has not yet expired.

15 To the extent the Court exercises jurisdiction over this matter, this case, like the majority
 16 of HOA title insurance cases pending in this district, concerns the ALTA 1992 loan policy of title
 17 insurance with form 1 coverage, along with the CLTA 100/ALTA 9 Endorsement and either the
 18 CLTA 115.1/ALTA 4 Endorsement or the CLTA 115.2/ALTA 5 Endorsement;

19 **WHEREAS**, one such matter is on appeal in *Wells Fargo Bank, N.A. v. Fidelity National*
 20 *Title Ins. Co.*, Ninth Cir. Case No. 19-17332 (District Court Case No. 3:19-cv-00241-MMD-
 21 WGC) (the “*Wells Fargo II Appeal*”). The Ninth Circuit has scheduled oral argument in that case
 22 for October 20, 2021, and the parties anticipate that the Ninth Circuit will issue its decision in the
 23 *Wells Fargo II Appeal* soon after that date;

24 **WHEREAS**, the Parties anticipate that the Ninth Circuit Court of Appeals’ decision in the
 25 *Wells Fargo II Appeal* will likely touch upon issues regarding the interpretation of the title
 26 insurance policy that could potentially affect the disposition of this action, particularly given some
 27 of the similarities between the policy at issue in *Wells Fargo II Appeal* and the policy here;

WHEREAS, Defendants’ time to file responsive pleadings has not yet expired;

1 **WHEREAS**, because the *Wells Fargo II* Appeal has the potential to resolve certain
2 matters at issue in this case, to the extent the Court finds it has jurisdiction to hear this dispute, the
3 Parties stipulate and agree that a stay in this particular case pending the outcome *Wells Fargo II*
4 Appeal is appropriate;

5 **NOW THEREFORE**, the Parties hereto, by and through their counsel of record, hereby
6 stipulate and agree as follows:

7 1. The instant action shall immediately be **STAYED** pending the earlier of the
8 disposition of either Plaintiff's motion to remand or the issuance of the mandate pursuant to Fed.
9 R. App. P. 41(a) in the *Wells Fargo II* Appeal.

10 2. Defendants' deadline to file a responsive pleading arising under Fed. R. Civ. P. 12
11 and per previous stipulation and order (ECF No. 13) is hereby **VACATED** without any prejudice
12 to any defenses that Defendants might assert under Fed. R. Civ. P. 12. Defendants' deadline to
13 file responsive pleadings will be reset when the stay of this action is lifted.

14 3. Each of the Parties may request a Fed. R. Civ. P. 26(f) conference at any time 180
15 days after the order granting this stipulation.

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4. By entering into this stipulation, none of the Parties is waiving its right to subsequently move the Court for an order lifting the stay in this action.

DATED this 4th day of October, 2021

DATED this 4th day of October, 2021

WRIGHT FINLAY & ZAK, LLP

EARLY SULLIVAN WRIGHT
GIZER & McRAE LLP

/s/-Lindsay D. Dragon

/s/-Sophia S. Lau

By: _____

By: _____

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THROUGH CERTIFICATES, SERIES
2003-NC2

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OLD REPUBLIC TITLE INSURANCE
GROUP, INC. and Defendants
OLD REPUBLIC NATIONAL TITLE
INSURANCE COMPANY and OLD
REPUBLIC TITLE COMPANY OF
NEVADA

IT IS SO ORDERED.

Dated this 5 day of October, 2021.



Gloria M. Navarro, District Judge
UNITED STATES DISTRICT COURT

CERTIFICATE OF SERVICE

I hereby certify that on October 4, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the Electronic Service List for this Case.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

/s/ D'Metria Bolden

D'METRIA BOLDEN

An Employee of EARLY SULLIVAN

WRIGHT GIZER & McRAE LLP

